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UNITED STATES DEPARTMENT OF AGRICULTURE
RESETTLEMENT ADMINISTRATION
Land Utilization Division
Land Use Planning Section

BULLETIN OF FEDERAL AND STATE LEGISLATION AFFECTING LAND USE

No. 14
Week Ending April 8, 1937

(Primarily for the information of Land Use Planning personnel
of the Resettlement Administration and collaborating offices
and agencies.)

Legislatures adjourned:

Kansas - April 2.

I. FEDERAL LEGISLATION

SOIL CONSERVATION

H. R. 5961 and 5959. Mr. Ferguson.

To authorize the Secretary of Agriculture under the Soil Conservation and Domestic Allotment Act to create a division for the administration of the Act in the dust bowl area. There is to be available \$10,000,000 from unobligated balances in the Emergency Relief Appropriations of 1935 and 1936 for grass-breeding and experiment projects and land acquisition. These bills are nearly identical except that H. R. 5959 proposes to expend \$10,000,000 from the general fund of the Treasury for grass-breeding and experiment projects.

To Committee on Appropriations March 9.

H. R. 5973. Mr. Boren.

To appropriate \$500,000,000 for the maintenance, extension and expansion of the soil conservation work of the Civilian Conservation Corps.

To Committee on Appropriations March 29.

WATER RESOURCES

H. R. 6076. Mr. Phillips.

To establish the National Resources Committee as a permanent agency for the purpose of cooperating with State agencies dealing with water pollution with a view to coordinating such activities, encouraging uniform laws, interstate compacts, making studies, surveys or experiments to correct and prevent pollution and furnish assistance to such States. Congressional assent is given to States to enter into compacts. The Committee shall establish sanitary water districts conforming to watershed areas within which the Committee may establish rules and regulations for preventing and controlling pollution.

To Rivers and Harbors Committee April 1.

II. STATE LEGISLATION

(Includes only outstanding proposals likely to be of interest to Legislatures other than the one in which the Bill is introduced.)

AGRICULTURE

Colorado. S. B. 47. Mr. Noriega.

Any laborer or contractor who, at the request of the owner or tenant, performs labor upon land in cultivating or harvesting any crops grown is declared to have a lien upon any and all crops grown upon such land. This priority of lien does not attach to crops cultivated upon the sharecropper plan where the services are performed at the request of the tenant. The lien so given shall be prior to any chattel mortgage and must be recorded to attach.

To Committee on Industrial Relations January 12.

Minnesota. H. B. 1281.

To extend the authority of the conservator to sell lands on the crop payment plan. Should the former owner of the farm sold for satisfaction of a mortgage desire to repurchase the farm from the State conservator and does not avail himself of the crop payment plan, the conservator is authorized to offer the farm for sale on a crop payment plan to any bona fide farmer for a down payment of 15 percent. Crop payment contracts are not assignable except in the case of death or incapacity of the vendee. All sales and compromises in connection with the crop payment plan must be approved by the judge of the district where the farm is located.

Introduced March 13.

DRAINAGE, IRRIGATION AND FLOOD CONTROL

Illinois. H. B. 520. Mr. Weber.

To create a water resources and flood control board. The flood control board shall upon its own motion or upon petition make appropriate surveys and prepare lands for flood control districts for the purpose of controlling, storing, preserving and regulating a flow of rivers and eliminating floods. The board is authorized to assist and cooperate in carrying out the federal flood control program.

To Committee on Waterways March 23.

New Hampshire. H. B. 432. Committee on Rules.

To establish a water control commission of five commissioners appointed by the Governor with the approval of the council. The commission is authorized to make investigations of water levels and rights with a view to controlling such levels and rights. All plans for the construction of dams shall be submitted to the commissioner for its approval and the commission may make any orders relative to specifications for the safety of such dams. The commission shall inspect all dams from time to time and order the owner to make a requisite repairs or reconstruction within a reasonable period to be fixed by the order.

To Committee on Judiciary February 24.

GOVERNMENT ORGANIZATION

South Carolina. H. B. 810. Mr. Bradford.

To amend the Constitution to give the legislature power to establish a system of county governments, which may vary in form in different counties, and shall delegate to such county governments the power to legislation upon all local matters excluding issuing bonds.

To Judiciary Committee March 26.

West Virginia. S. C. R. 19. Mr. Polter.

To create an interim legislative committee - five representatives, five senators - to make a report after investigation as to what State government activities could be consolidated and under what department or state official they could be placed in the interest of economy and efficiency.

Introduced March 1.

INTERSTATE COMPACTS

Colorado. H. B. 769. Mr. Fordham.

To extend for two years the compact with certain States to conserve oil and gas.

Introduced January 20.

Connecticut. Governor's Message No. 1.

To ratify a compact concerning flood control on the Connecticut River with the States of Massachusetts, New Hampshire and Vermont.

Introduced March 25.

Kansas. H. B. 530.

To extend for two years the provisions of the compact with certain other States to conserve oil and gas.

Approved March 26.

New York. A. B. 2547-2203. Mr. Canney.

To ratify and approve a compact for the conservation of oil and gas with Colorado, Illinois, Kansas, New Mexico, Oklahoma and Texas.

To Committee on Judiciary March 24.

Pennsylvania. H. R. 1897. Mrs. Horting and Mr. Simon.

To authorize the governor to enter into compacts with the governors of other States with respect to the production of cigar type tobacco.

To Committee on Agriculture March 22.

LAND USE

Georgia. H. B. 332. Mr. Cochran.

To accept the provisions of the Soil Conservation and Domestic Allotment Act, designating the Agricultural Extension Service of the University of Georgia as the agency of the State to prepare and administer plans pursuant to the Act.

Approved March 19.

Kansas. S. B. 507. Agriculture Committee.

To prevent soil erosion by making it the duty of each land owner to plant or cultivate the soil so as to prevent or minimize erosion.

The Boards of County Commissioners after being advised by the Secretary of the State Board of Agriculture as to best methods of preventing erosion, shall after inspection order lands to be disced, listed or cultivated in any other manner. The Commissioners shall confer with the owner and afford him opportunity to comply. If he cannot or will not the Commissioners may have it done and pay for it from the "Soil-Drifting Fund." Section 10 is to repeal H. B. 130 (Bulletin 9, p.6).

Introduced March 16.

Minnesota. S. B. 875. Messrs. Imm and Richardson.

To authorize the Commissioner of Conservation to purchase and distribute forest tree planting stock for farm woodlots, shelterbelts, windbreaks and soil erosion control. The Commissioner may sell such stock at not to exceed cost. Five thousand dollars is appropriated annually to a revolving fund into which receipts from the sale of stock shall be placed for continuous purchase and sale of stock.

To Reforestation Committee February 26.

Minnesota. S. B. 1196. Mr. Sprung.

To authorize the Commissioner of Agriculture in cooperation with the Secretary of Agriculture of the United States to provide forest trees, seeds or plants at a cost not to exceed 1/2 cent for each tree furnished, for the purpose of establishing windbreaks, shelterbelts and farm woodlots upon denuded or non-forested lands and for protecting farm buildings, crops and fields from winter erosion and furnishing cover for water conservation. Twenty thousand dollars are appropriated for the biennium.

Introduced March 18.

New Mexico. S. B. 48. Mr. Jones.

To preserve the agricultural lands of the State by the creation of "Wind Erosion Districts." Upon the petition of one-fourth of the resident freeholders in the proposed district to the Board of County Commissioners, who shall define the boundaries of the district, and after hearing submit the organization of such district for a referendum. If such district is organized, the three elected supervisors as a governing body shall have power to conduct surveys to determine the character of wind erosion and the preventive and control measures needed, disseminate information on control measures, cooperate with Director of State Agriculture Extension Service and the County Agent and determine the program and plan for carrying out the operations and methods for the prevention of wind erosion, which plan, when adopted, shall have the force and effect of an ordinance. An appropriation of \$10,000 for the coming year is made to be used under the direction of the Board of Regents of the College of Agriculture for the use of such districts.

Introduced January 25. *Approved 3/19 ch 222*

New York. S. B. 1947-1646. Mr. Rogers.

A. B. 2597-2244. Mr. Allen.

To accept the provisions of the Soil Conservation and Domestic Allotment Act and designate Cornell University as the agency of the State to formulate and administer approved plans pursuant to

the Act. The University is authorized to establish an agricultural Conservation Board of five to advise and consult with the University in the administration and formulation of agricultural plans.

To Committee on Conservation March 24.

North Carolina. S. B. 343. Mr. Gold.

To create Soil Conservation Districts to engage in conserving soil resources and preventing and controlling soil erosion. This Bill follows the Standard Soil Conservation Act of the Department of Agriculture; however, there is no provision for a Board of Adjustment and no provision for operation on Public lands.

Ratified March 22.

North Dakota. S. B. 179. Agriculture and Livestock.

To accept the provisions of the Soil Conservation and Domestic Allotment Act and appoint the Extension Service of the Agricultural College as the agent of the State to formulate and administer plans pursuant to the Act, and accept any funds for use in administering the plans. The Agency shall designate five Agricultural Districts and "Communities" for convenience in administering the Act and provide for voluntary associations of agricultural producers within the Communities.

Approved March 12.

Oregon. H. B. 360. Committee on Agriculture.

To control noxious weeds (including Russian Knapweed) on public and private lands by requiring their eradication. The State Department of Agriculture shall cooperate with the Federal Government on State and Federal lands in this activity. The weed inspector shall, after investigation, notify private owners of the presence of such noxious weeds and require them to be destroyed. If the owner fails to comply the weed inspector may enter and destroy the weeds or if this procedure is impracticable the State Department of Agriculture may quarantine the premises.

Approved March 12.

Pennsylvania. H. B. 1894. Mr. Ganser.

To authorize the creation of soil conservation districts for the purpose of conserving soil, preventing and controlling erosion. This bill is similar to the soil conservation districts law of the Department of Agriculture.

To Committee on Agriculture March 22.

South Dakota. H. B. 206. Agriculture Committee.

To authorize the creation of soil conservation districts for the purpose of engaging in conserving soil resources and controlling soil erosion. This bill follows the principles of Standard Soil Conservation Districts Acts of the Department of Agriculture but it is reworded to fit the Constitution and laws of South Dakota.

Approved March 5.

Utah. H. B. 164. Mr. Jensen.

To authorize the creation of soil conservation districts for the purpose of engaging in conserving soil resources and preventing and controlling soil erosion. This bill is quite similar to the Standard Act of the Department of Agriculture.

Approved March 23.

Washington. S. B. 112. The Rules Committee.

To provide for a reorganization of highways of the State and for the acquisition of any rights-of-way and cooperation with the Federal Aid Road Act.

Approved March 5. Laws 1937, Ch. 53.

PLANNING

Georgia. S. B. 74. Mr. Chason.

To establish a State Planning Board whose duties are to make surveys and publish information on land use and classification with a view to determine areas suitable for crops, reforestation, recreation, watershed protection, housing, financial program; to prepare and perfect plans for the physical development of the State, advise and coordinate plans of State agencies, and develop long term policies for agricultural, land and water utilization, submitting plans and reports to the Legislature with recommendations. The Board shall also encourage planning of counties, cities and towns and regions. There is an appropriation of \$30,000 for the biennium.

Approved March 8.

Minnesota. S. B. 1276. Mr. Schmechd.

To create a State Planning Board of seven members appointed by the Governor for the purpose of coordinating all State plans, study of problems and determination of policies for the development of the State and for the use and conservation of its resources. The Board shall advise and cooperate with all State agencies and political subdivisions to coordinate plans for development and encourage local planning. It may also confer and cooperate with planning authorities of the United States or neighboring States. Introduced March 24.

Pennsylvania. H. B. 1693. Mr. Patterson.

To authorize townships of the second class to adopt and enforce zoning ordinances regulating the location, construction and use of buildings, size of courts and open spaces, density of population and the use of land. This bill is similar to the Standard State Zoning Enabling Act for urban zoning.

To Committee on Townships March 17.

South Dakota. H. B. 224.

To appropriate ten thousand dollars for the biennium for the maintenance and operation of the State Planning Board.

Approved March 5.

PUBLIC LANDS AND FORESTS

Oregon. H. B. 220. Messrs. Staples and Duncan.

To amend the law relative to the resale of land acquired by county tax sale to provide that all property acquired by the county shall be subject to sale by order of the County Court. If the county has acquired 90 percent of the number of lots in any subdivision or plat, the County Court (County Commissioners) in its discretion, may authorize the purchase of the remaining lots or may exchange other lots owned by the county and may thereafter upon acquiring title

to all of such lots in any subdivision vacate the whole of the subdivision.

Approved March 8. Laws 1937, Ch. 248.

North Carolina. S. B. 236. Mr. Clark.

To authorize the Department of Conservation and Development to acquire necessary lands for the construction of Resettlement projects and to dispose of such lands to the United States. Ten thousand dollars are appropriated to either purchase or condemn such lands.

Ratified March 17.

Washington. H. B. 6. Messrs. Kemp and Alvik.

To authorize courts to convey to the United States rights or easements or title to property, whether held in trust or proprietary capacity by reason of a tax foreclosure, for any purpose whatsoever. The Legislature gives consent to such conveyance and the ceding of exclusive legislative jurisdiction to the United States over the land so conveyed.

Approved March 10. Laws 1937, Ch. 46.

REAL PROPERTY

Iowa. S. B. 436. Federal Coordination Committee.

To authorize cities and counties to aid housing projects by furnishing parks, streets, improvements, and facilities. The political subdivisions may contract with the authority for payment of such services and facilities.

Introduced March 2.

Iowa S. B. 437. Federal Coordination Committee.

To create housing authorities in cities and counties to provide dwelling accommodations for persons of low income. The authorities have power within the area of their operations to prepare, acquire, lease, and operate housing projects or the construction thereof. They are to be given power to lease or rent any dwelling houses or accommodations or lands for any housing project; to procure insurance or guarantee from the Federal government for the payment of any debts secured by mortgages on any property included in any such project. Investigations are to be made into housing conditions and means and methods of improving such conditions and to make available for appropriate agencies their findings and recommendations relative to any building or property where conditions exist which are dangerous to public health and welfare. Powers are granted to issue bonds to be secured by a pledge of any revenue or mortgage from the project. The property of any authority is declared to be exempt from all taxes and special assessments of the city, county and State, but in lieu thereof the authority may agree to make payments to the taxing unit for improvements or governmental services rendered to the project.

To Sifting Committee March 24.

Maine. H. B. 1102.

To license and regulate real estate brokers and salesmen. A Real Estate Commission is created to administer the Act, issue licenses to qualified applicants and enforce rules and regulations for the government of such business.

Approved March 25. Laws 1937, Ch. 83.

Montana. H. B. 387. Mr. Monahan.

To declare a moratorium on all mortgages liens or debts affecting the ownership and possession and prohibiting the foreclosure of tax liens. This moratorium shall extend to January 1, 1938, and during this period redemptions running on any of the property included within the Act shall pause until the termination of the moratorium.

Introduced February 12.

North Carolina. S. B. 303. Mr. Butt.

To create a "Home Ownership Commission" appointed by the Governor to study the tenant problem and cooperate with Federal and other agencies to encourage home ownership and report to the Governor its findings and recommendations.

Ratified March 17.

South Carolina. S. B. 387. Mr. Means.

To authorize cities and counties to aid housing projects by furnishing parks, streets, improvements, and facilities. The political subdivisions may contract with the authority for payment of such services and facilities.

Introduced March 4.

Utah. S. B. 31.

To regulate the business of land value insurance. Standards are prescribed for the management of foreign and domestic corporations engaging in such business and rules governing the issuance of policies after appraisals.

Approved March 23.

West Virginia. S. B. 107. Mr. Belknap.

To create a real estate commission charged with the regulation of real estate brokers and salesmen. The commission shall issue licenses in such form as it may determine to applicants of good character and competent to carry on the business for which the license is sought.

Law without approval March 19.

TAXATION

Arizona. H. B. 11. Mr. Burk.

All ad valorem taxes levied against real or personal property, delinquent on November 2, 1936, shall be exempt from all penalties and interest if paid on or before November 8, 1937.

Approved March 16. Laws 1937, Ch. 46.

Indiana. S. B. 190. Mr. Arnold.

To exempt from taxation and assessments the property and bonds of housing authorities. The Authority may, in lieu of such taxes and special assessments, agree to and make payments to the political subdivisions for services, improvements, or facilities furnished to such housing project.

Approved March 6. Laws 1937, Ch. 81.

Kansas. S. J. R. 19. Federal and State Affairs Committee.

A resolution directing the Legislative Council to make a study and report on tax revision and equalization, with a study and report on State administrative organization.

To the Federal and State Affairs Committee March 18.

North Dakota. H. B. 292. Mr. Thoresen.

Any person planting forest trees or hedge plants on rural land shall be given credit by the County Auditor upon the real estate taxes upon the district so planted of \$4 for each 100 trees or hedge plants or major fraction thereof planted in any one year. If the trees or hedge plants so planted be kept growing in good order an allowance of \$2 for each 100 living trees or major fraction thereof shall be credited upon the succeeding year's taxes, but in no event shall the amount allowed exceed the amount of the taxes levied for such year upon a quarter section of land so planted.
Approved March 9.

Ohio. S. J. R. 22. Mr. Byrne.

To create a Commission to survey the tax and revenue situation in Ohio, investigate tax systems of other States and submit a report with recommendations to the legislature with the necessary legislation to carry into effect such recommendations.
Introduced March 16.

Pennsylvania. H. B. 1717. Mr. Moran.

To exempt homesteads from taxes providing the appraised value shall be three thousand dollars or less and the owner has had title thereto and occupancy thereof for a period of five years immediately preceding the exemption.
Committee on Municipal Corporations March 17.

South Dakota. H. B. 3. Mr. Ryan.

To provide that all property bid in by the County Treasurer, not redeemed or assigned within four years from date of sale shall, upon notice by the County Treasurer, become the property of the County and a tax deed therefor issued. The County Board may sell at public or private sale such County lands.
Approved March 5.

Texas. H. S. R. 141. Mr. Westbrook.

To authorize the State Tax Commission to conduct a survey of the natural resource tax systems of various States, including the nature and subject of the tax imposed and methods of assessment and collection and make a comprehensive report to the legislature.
Introduced March 11.

Washington. H. B. 512. Mr. Pettus.

To exempt from taxation any building occupied as a home by the owner of the land for six months prior to the time of assessing property and it shall be also exempt from levy distraint or seizure in any action or proceedings other than an action to foreclose a mortgage upon such home. The amount of land constituting such home shall not exceed five acres provided that lands commonly known as farms or ranches shall not exceed forty acres for irrigable land or over one hundred sixty acres for non-irrigable land.
To Committee on Taxation and Revenue, February 12.

